

In the Court of Appeals of the State of Alaska

Jeffrey L. Arnold,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-12859**

Order

Affirming Clerk's Decision to Enter
Judgment for Costs of Appointed
Attorney

Date of Order: **10/28/19**

Trial Court Case No. **4FA-13-02327CI**

The Appellant, Jeffrey L. Arnold, appealed to this Court the superior court's dismissal of his application for post-conviction relief. In *Arnold v. State*, Alaska App. Summary Disposition No. 0067 (September 11, 2019), this Court affirmed the superior court's decision.

Under Alaska Appellate Rule 209(b)(5), at the conclusion of any appellate case in which a criminal defendant is represented by court-appointed counsel, the Clerk of the Appellate Courts is directed to "enter judgment against the defendant for the cost of appointed appellate counsel unless the defendant's conviction was reversed by the appellate court." Because Arnold was represented by court-appointed counsel in this appeal, and because Arnold's appeal was a merit appeal, the Appellate Court Clerk's Office notified Mr. Arnold that it intends to enter judgment against him in the amount of \$1500 for the cost of counsel. *See* Alaska Appellate Rule 209(b)(6).

Mr. Arnold now seeks judicial review of the Clerk's decision. *See* Alaska Appellate Rule 503(h)(2)(A).

Appellate Rule 209(b)(5) and (6) require criminal defendants whose convictions are not reversed on appeal to reimburse to the government a portion of the

cost of the attorneys who represent them at public expense. In his opposition to the entry of judgment for the cost of appellate counsel, Mr. Arnold asserts that this rule violates his right to rehabilitation. But Mr. Arnold provides no specific explanation as to why having a judgment entered against him will actually interfere with his right to rehabilitation; rather, his opposition instead primarily explains why entry of the judgment will create a financial hardship for him.

The Court recognizes that paying a judgment for a portion of the cost of appointed counsel may create some hardship for criminal defendants. But Mr. Arnold has not convinced the Court that Appellate Rule 209 violates his right to rehabilitation. Moreover, as a general matter, a rule that ensures that criminal defendants accept a portion of the financial responsibility for their decision to pursue appellate litigation can reasonably be considered an important part of their rehabilitation.

Because this Court affirmed the superior court's judgment on appeal, Mr. Arnold is required to reimburse to the government a portion of the cost of the attorney who represent him at public expense. Accordingly, the decision of the Appellate Court Clerk to enter a \$1500.00 judgment against Mr. Arnold for the cost of counsel under Appellate Rule 209(b) is AFFIRMED.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts

Ryan Montgomery-Sythe,
Chief Deputy Clerk

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